

Application No.: 10/731,530

Docket No.: JCLA10474

REMARKS**Present Status of the Application**

It is noted with great appreciation the indication of allowable subject matter in claims 6 and 17 by the Examiner, and that claim 6 would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims; and claim 17 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112, second paragraph, the dependent claims 18-20 would also be allowable in their current dependent form if the rejection of claim 17 under 35 USC 112, second paragraph is overcome.

The Office Action rejected claims 1-20 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action rejected claims 1-2, and 7 under 35 USC 102(b) as being anticipated by Nishida et al. (US-6,349,086, hereinafter Nishida). The Office Action rejected claims 3-5, and 8-16 under 35 USC 103(a) as being unpatentable over Nishida.

In response thereto, Applicants have amended paragraph [0017], independent claims 1 and 17 and dependent claims 2-4, 6-7, 18 and 20. It is believed that no new matter adds by way of amendments to claims or otherwise to the application.

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Response to Claims Rejections under 35 USC§112

The Office Action objected to claims 1-20 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In rejecting claims 1 and 17, the Examiner stated that claims 1 and 17 recite both radiation-setting and light-cure. This is indefinite because it is unclear whether the claim requires the broader radiation-setting or narrower light-cure.

The Office Action further stated that claims 2, 3, 18 and 20 recite alternative limitations in the form "wherein x comprises a, b, or c" which is indefinite. The transitional term "comprising" is inclusive or open ended and does not exclude the additional, un-recited elements. Consequently, these recitations using "comprising" are open to un-recited elements other than a, b, or c. As such, the metes and bounds of these claims are impossible to determine.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities, and accordingly, amended claims 1, 2, 3, 17, 18 and 20. After entry of the above amendments to the claims, it is believed that the above rejections can be overcome. Reconsideration is respectfully requested.

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Response to Claims Rejections under 35 USC§102 and §103

1. *The Office Action rejected claims 1-2, and 7 under 35 USC 102(b) as being anticipated by Nishida (US-6,349,086, hereinafter Nishida).*

The Examiner has construed that Nishida teaches all the features provided in Applicants' independent claim 1. Applicants respectfully disagree with the Examiner on said point of view.

With respect to amended claim 1 of the present application, it recites,

"A manufacturing method of a cover layer of optical storage media, comprising the following steps:

providing a substrate;

forming a reflective layer on the substrate;

applying a radiation-setting resin on the reflective layer;

providing a plate having a flat surface;

forming a poorly-adhesive layer on the plate;

compressing the radiation-setting resin with the plate;

rotating the resulting structure to form a radiation-setting resin layer;

hardening the radiation-setting resin layer to form a hardened radiation-setting resin layer which serves as the cover layer; and

separating the plate from the hardened radiation-setting resin layer, wherein the hardened radiation-setting resin layer remains adhered to the substrate **and the poorly-adhesive layer remains on the plate.**"

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Applicants respectfully submit that independent claim 1 is allowable for at least the reason that Nishida substantially fails to teach or disclose every features of the claimed invention. More specifically, Nishida fails to teach or disclose a manufacturing method of a cover layer of optical storage media comprising at least a step of "forming a poorly-adhesive layer on the plate", as required by amended claim 1. The poorly-adhesive layer in the present application has a poor adhesion, or has no adhesion to a general organic resin material, and thus the advantage of the above poorly-adhesive layer is to remain the hardened radiation-setting resin layer adhered to the substrate after separating the plate from the hardened radiation-setting resin layer.

To the contrary, Nishida substantially discloses (please see FIG. 2 and related disclosure) a method of forming a light transmitting layer 5 over the recording layer 4 including dripping the UV curable resin on the recording layer formed on the substrate and setting a glass plate on the UV curable resin prior to illuminating the UV rays and then rotating the substrate. In other words, Nishida substantially failed to teach or disclose a step of forming a poorly-adhesive layer on the plate, instead, Nishida merely teaches the glass plate on the UV curable resin. Therefore, clearly, Nishida can not possibly anticipate claim 1 in this regard.

Claims 2 and 7, which directly depend from the independent claim 1, are also patentable over prior arts of record at least because of their dependency from an allowable base claim 1.

For at least the foregoing reasons, Applicants respectfully submit Claims 1-2 and 7 patently define over Nishida. Reconsideration is respectfully requested.

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2. *The Office Action rejected claims 3-5, and 8-16 under 35 USC 103(a) as being anticipated by Nishida.*

Because claims 3-5, and 8-16, which directly depend from the independent claim 1, are also patentable over prior arts of record at least because of their dependency from an allowable base claim 1 for at least the reasons discussed above. Reconsideration and withdrawal of these rejections is respectfully requested.

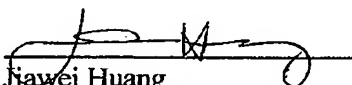
CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-20 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,
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